

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MORRISON ENTERPRISES, LLC, and)	
CITY OF HASTINGS, Nebraska,)	4:08CV3142
)	
Plaintiffs,)	MEMORANDUM AND ORDER ON
)	DRAVO CORPORATION'S MOTION FOR
v.)	LEAVE TO SUPPLEMENT THE INDEX
)	OF EVIDENCE SUPPORTING ITS
DRAVO CORPORATION,)	MOTION FOR PARTIAL SUMMARY
)	JUDGMENT
Defendant.)	
_____)	

On August 27, 2009, the defendant, Dravo Corporation (Dravo) filed a "Motion for Leave of Court to Supplement the Index of Evidence to Its Brief in Support of Its Motion for Partial Summary Judgment on the City's Claims Related to Its Water Supply System." (Filing 284.) Dravo asks that when analyzing its motion for partial summary judgment (filing 110), I consider excerpts from the July 22, 2009, deposition of Hal Smith; exhibits 1, 2, 5, and 6 from the July 22 deposition of Hal Smith; a Hastings Utility Work Order Completion Report dated February 18, 2002; and excerpts from the August 4, 2009, deposition of Dale Jensen. (See generally filings 284 and 285.) Dravo's motion will be granted.

Hastings submits that if Dravo's motion is granted, Hastings should be allowed to supplement the evidence and arguments that it presented in opposition to Dravo's motion for partial summary judgment. (See filing 302 at 2-5.) More specifically, Hastings asks that I consider two exhibits that have already been submitted to me in connection with another motion (i.e., filing 298, Exs. 5-6), along with an argument set forth in its response brief (filing 302 at 3-4). I shall consider this evidence and argument when analyzing Dravo's motion for partial summary judgment.

IT IS ORDERED that Dravo's motion for leave to supplement its index of evidence, filing 284, is granted.

Dated September 24, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge